

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE V.K.SINGHAL

WRIT PETITION NO: 6010-6012 / 1994.

BETWEEN:

M/s., Shastry Hotel  
Basaveshwara Circle  
Bagalkot,  
Bijapur Dist.

as

( a firm represented by its partner  
Sri Venkatakrishna Shastry,  
aged about 26 years. )

...PETITIONER.

( By Sri E.R.Indrakumar Adv., )

AND:

1. The Assistant Commissioner  
of Commercial Taxes, II Circle,  
Bagalkot.  
Bijapur Dist.
2. The Tahsildar,  
Bagalkot Taluk,

Kaladigi Road,  
Bagalkot.

3. The Revenue Inspector,  
Office of the Tahsildar,  
Bagalkot. ...RESPONDENTS.

( The petitioner and respondents  
are common in all the 3 W.Ps.)

( By Smt. Sujatha HCGP for Respts. )

Writ Petition filed under Article  
226 and 227 of the Constitution of India  
with an affidavit praying to restrain the  
2nd and 3rd respondents from executing the  
recovery notice dtd. 22.2.94 bearing No. RRC.  
No. 11/93-94 being Annex-F and taking up any  
further proceedings pursuant to said notice  
against the petitioner firm herein & etc.,

Writ Petition is coming on for Prelimi-  
nary hearing in 'B' group this day the  
court made the following:

97

VKSJ:

2.06.1998

O R D E R

The Question as to whether the recovery could be made from the petitioner could be agitated by the petitioner by submitting objections before the Tahsildar or before the Assessing Authority. The question as to whether the petitioner is the same person or a different person is a disputed fact and cannot be adjudicated in the proceedings under Art.226 of the Constitution of India.

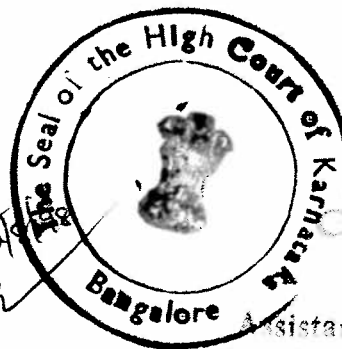
Writ Petitions are disposed of with the above observations.

Sd/- JUDGE

BKP

c.by

r.by



Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001.

19/10

